

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

Protect Our Parks, Inc.; Charlotte Adelman;))	
Maria Valencia; and Jeremiah Jurevis;))	
)	
Plaintiffs,))	
)	No. 18 CV 03424
v.))	
)	
Chicago Park District and City of Chicago,))	Judge John Robert Blakey
)	
Defendants.))	

DEFENDANTS' STATEMENT REGARDING SUMMARY JUDGMENT

Defendant City of Chicago ("City"), by its attorneys, Edward N. Siskel, Corporation Counsel for the City, and Mayer Brown, LLP, and Defendant Chicago Park District ("Park District"), by its attorney, Burke, Warren, MacKay & Serritella P.C., respectfully submit this statement regarding summary judgment in response to the Court's orders of January 22 and January 31, 2019.

In its January 22 order (Dkt. No. 79), the Court indicated that, pursuant to Fed. R. Civ. P 12(d), it was converting Defendants' Motion for Judgment on the Pleadings (Dkt. No. 48) to a motion for summary judgment. The order further stated that, by February 5, 2019, the parties were to (1) inform the Court whether they objected to the conversion, and (2) present all additional materials, if any, that may be pertinent to the motion for summary judgment. In its January 31 order (Dkt. No. 82), the Court clarified that, as to the additional materials, the parties were to "advise this Court as to . . . what additional materials or briefing, if any, may be pertinent to the motion for summary judgment." In response to these orders, Defendants state as follows:

1. Defendants do not object to conversion of their motion for judgment on the pleadings to a motion for summary judgment.

2. The Court may treat as Defendants' opening submission on summary judgment the briefing and attachments submitted by Defendants in support of their motion for judgment on the pleadings. See Dkt. Nos. 48 & 49. Defendants do not intend to submit additional factual materials in support of their opening submission on summary judgment. However, consistent with the local rules, Defendants reserve the right to submit additional factual materials in reply to any materials that may be identified today by Plaintiffs in opposition to summary judgment. See Local Rule 56.1(a) ("If additional material facts are submitted by the opposing party pursuant to section (b), the moving party may submit a concise reply in the form prescribed in that section for a response."). The additional materials that Defendants might submit in reply could include, for example, discovery materials that Defendants produced to Plaintiffs on December 6, 2018 in accord with the Court's November 29, 2018 order granting limited discovery to Plaintiffs. See Dkt. No. 64. Those materials are identified in the correspondence attached as Exhibit A.

3. Finally, as to additional briefing on the motion for summary judgment, Defendants plan to file a reply brief in support of their opening submission, as contemplated by the briefing schedule set by the Court on Defendants' motion for judgment on the pleadings. See Dkt. No. 64. Defendants await the Court's guidance regarding the reply brief's due date in light of the conversion of Defendants' motion for judgment on the pleadings to a motion for summary judgment. Defendants maintain their interest in moving this case along expeditiously, and respectfully suggest that a schedule be set regarding these matters at the upcoming February 14 hearing.

Date: February 5, 2019

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Andrew Worseck, an attorney, hereby certify that on this, the 5th day of February, 2019, I caused copies of **Defendants' Statement Regarding Summary Judgment** to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois using the CM/ECF system, which will send notification of such filing to all parties that have appeared in this action

/s/ Andrew W. Worseck